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C O N F I D E N T I A L SECTION 01 OF 02 ANKARA 000033

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SUBJECT: REFERENDUM IN THE AIR

Classified By: A/POL Counselor Jeremiah Howard for reasons 1.4(b,d)

11. (SBU) Summary: On January 7, the Justice and Development Party (AKP) Deputy Group Chairman submitted a draft proposal to reduce the time it would take to hold public referendums on constitutional amendments. Although AKP members deny the move is in anticipation of any forthcoming amendment proposals, the press and opposition speculate that the AKP is trying to turbo-charge the controversial National Unity Project by speeding up the process by which an obstructive parliament could be bypassed. This cable outlines how a referendum on a constitutional amendment is carried out, the effect of the proposed change, and the possible political impact of its implementation. End Summary.

YOU SAY YOU WANT A REFERENDUM  
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12. (U) Parliament is empowered with the ability to amend the constitution with at least a three-fifths majority (330 votes in a chamber of 550). The size of the majority determines the path such an amendment would take after leaving parliament. In the simplest case, an amendment passed with two-thirds majority (367 votes) is submitted to the president, who can either sign it directly into effectiveness or submit the bill to a public referendum. If, however, the majority that passes an amendment falls between three-fifths and two-thirds (between 330 and 367 votes), the president cannot simply apply the amendment by signature; he must either send the amendment back to parliament for review, or submit the amendment to a public referendum. Because the AKP currently has 337 seats in parliament and has a friendly president in Abdullah Gul, the most likely scenario is this forced referendum procedure.

13. (U) The procedure for a referendum is very similar to that of a general election. The referendum is mandated to take place on the first Sunday to fall at least 120 days after the text of the amendment is published in Parliament's official gazette. All Turkish citizens eligible to vote -- including those abroad -- are required to do so unless they provide an acceptable reason for their non-participation three months in advance. Those who fail to either vote or excuse themselves from voting are levied a fine of 12.50 lira. The Supreme Election Board is charged with managing all aspects of the referendum. All campaigns in favor or against the amendment are conducted under the terms of election campaign laws; such campaigns are held in the seven days preceding the referendum, lasting until 6 PM on the Saturday before the referendum is held. In addition, all political parties with an official group in parliament (at least 20 seats) will be

given opportunity for two speakers to present their positions on the amendment for ten minutes each on both radio and television broadcasts specifically devoted to the amendment debate. If he chooses to do so, the president is also allowed to deliver two presentations of ten minutes each. Citizens living abroad are allowed to begin voting 40 days before the Sunday of the referendum. After the polls close, votes are tallied. The referendum is successful if more than 50% of voters have voted in its favor.

14. (U) The AKP's proposal is to change the delay between the announcement of a referendum and referendum day. The current procedure require a 120-day period; AKP wishes to shorten it to 45 days, and concurrently, to shorten the period of time for Turks abroad to vote from 40 days to 15. Deputy Prime Minister Cemil Cicek argues that a four-month waiting period is too long a wait for a referendum given improved technology. Members of the opposition complain that a shorter delay is yet another step in the AKP's effort to sideline the opposition in the legislative process.

COMMENT

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15. (C) The timing of the proposal to change the referendum procedure seems driven by the conjuncture of two events: AKP's determination to push its National Unity Project through parliament and the increasing uncooperativeness of Kurdish nationalists in parliament, previously members of the Democratic Society Party (DTP) and now members of the Peace and Democracy Party (BDP). Even with BDP votes, the AKP

ANKARA 00000033 002 OF 002

government falls ten votes shy of being able to avoid a referendum. AKP appears to be paving the way to expedite the referendum process as much as possible in the expectation that it may be implemented more often in the future. While this may serve AKP's purposes in getting its legislative agenda enacted, it runs two major risks. The first is that a 45-day period may not be enough for voters to become sufficiently educated about a proposed amendment to vote on it responsibly in a referendum. Opposition parties would no doubt complain that one-and-one-half months is not sufficient time to develop and present a position on an amendment they took no part in writing. The other risk AKP runs is voter fatigue. Referendums are currently rare. If the AKP enables them to be called regularly -- in theory, once every two months -- voters may grow tired of the constant campaigning and disruption in their lives. This frustration could translate to decreased participation in referendums, depriving them of their legal legitimacy, or to decreased AKP support in the most important vote of all: general elections in 2011.

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